

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

AMERICAN AIRLINES, INC. et al., and THE TACA GROUP
Reciprocal Code-Share Services Proceeding
Docket OST-96-1700 - 94
and
Joint Application of AMERICAN AIRLINES, INC.,
and LINEA AEREA NACIONAL CHILE, S.A.
for Approval of and Antitrust Immunity for
an Alliance Agreement under 49 U.S.C. §§ 41308 and 41309
Docket OST-97-3285 -//

NOTICE

By Order 97-12-35, Docket OST-96-1700 (hereafter "the American-TACA case"), issued December 31, 1997, we directed American Airlines, Inc. ("American") and the TACA Group to provide certain information on the proposed American-Linea Aerea Nacional Chile, S.A. ("Lan Chile") alliance.¹ On January 12, 1998, American filed its response stating that this information had been filed on December 23, 1997, in Docket OST-97-3285 (hereafter "the American-Lan Chile case"),² which American incorporated into the American-TACA case by reference.³

Consistent with American's pleading to incorporate into the American-TACA case the information filed in the American-Lan Chile case, and consistent with our earlier determinations in the American-TACA case,⁴ we will grant to counsel and outside experts for the interested parties in the American-TACA case immediate interim access to all confidential materials filed in the American-Lan Chile case. However, we will require that these parties file appropriate affidavits in advance with the Department in the American-Lan Chile case (Docket OST-97-3285) and file a copy of such affidavit in the American-TACA docket.

¹ See ordering paragraph 5 at 37.

² American and Lan Chile also filed a joint motion under 14 C.F.R. 302.39 requesting confidential treatment for certain documents and information filed in the American-Lan Chile case. The request was unopposed.

³ In a separate response filed on January 12, 1998, in the American-TACA case, the TACA Group stated that it was not a party to the proposed American-Lan Chile alliance, and that it had no documents or information responsive to the Department's directive in Order 97-12-35.

⁴ See Notice dated March 13, 1997.

We expect all such **affidavits** to state, at a minimum, that (1) the **affiant** is counsel for an interested party or an outside independent expert providing services to such a party in the American-TACA case; (2) the **affiant will** use the information only for the purpose of participating in the American-TACA case; and (3) the **affiant** will disclose such information only to other individuals who have filed such **affidavits**. **Affiants** and interested parties must understand and agree that any pleading or other filing in the American-TACA case that includes or discusses confidentially-filed information in the American-Lan Chile case must itself be accompanied by a Rule 39 motion requesting confidential treatment. Affidavits must be filed in Docket OST-97-3285 with the Department of Transportation, Dockets, Room PL-401, 400 Seventh Street, S. W., Washington, D.C., 20590.

Affiants having filed valid affidavits covering the use of the information **from** Docket OST-97-3285 in the American-TACA proceeding may examine the documents at the Department of Transportation Dockets location, and, in addition, at the following locations provided by American and Lan Chile in Washington, D.C.: (1) Charles J. Simpson, Zuckert, **Scoutt &** Rasenberger, L.L.P., counsel for Lan Chile, 888 - 17th Street, N.W., Washington, D.C. 20006, (202) 298-8660; and (2) Carl B. Nelson, Jr., Associate General Counsel for American Airlines, 1101 - 17th Street, N.W., Suite 600, Washington, D.C. 20036, (202) 496-5647. A stamped copy of the **affidavit** filed with the Department of Transportation must be presented prior to examination of the documents.

By:

CHARLES A. HUNNICUTT
Assistant Secretary for Aviation
and International **Affairs**

Date: January **27**, 1998

(SEAL)

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